



A RESOLUTION

BY: CITY COUNCIL

**A RESOLUTION RATIFYING EXECUTIVE ORDER
NUMBER 2005-1 KEEPING IT IN EFFECT UNTIL
THE NEXT MEETING OF CITY COUNCIL**

WHEREAS, Atlanta City Charter, Section 2-182(2) allows the Mayor to issue an executive order which expires at the next meeting of City Council unless ratified by a majority vote of the council present and voting;

WHEREAS, on July 15, 2005, the Mayor issued the attached Executive Order Number 2005-1 authorizing, directing and ordering the Bureau of Planning to refuse to accept applications for the replatting or subdivision of lots in the Chastain Park Neighborhood in District 8 as specified on the map attached thereto;

WHEREAS, a moratorium has been introduced for first read today, July 18, 2005, effectuating the same moratorium as contained in this Executive Order;

WHEREAS, it is necessary for the City Council to ratify this Executive Order so that it remains in effect until the next meeting of City Council on August 15, 2005 when said moratorium can be acted upon by City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that Executive Order Number 2005-1 be ratified by the City Council and that it remain in effect until the next meeting of City Council on August 15, 2005 or, if such meeting is not held, at the next meeting held thereafter.

A true copy,

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

JUL 18, 2005
JUL 26, 2005



Executive Order
Office of the Mayor
City of Atlanta

EXECUTIVE ORDER NUMBER 2005- **1**

BY THE MAYOR

DIRECTING THAT THE BUREAU OF PLANNING ACCEPT NO APPLICATIONS AND TAKE NO ACTION TO RE-PLAT OR SUBDIVIDE ANY LOTS WHICH ARE THE SUBJECT OF A PROPOSED REZONING IN LAND LOTS 116, 117, 118, 138, AND 139 OF THE 17th DISTRICT, FULTON COUNTY, AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED MAP, UNTIL SUCH TIME AS THE CITY COUNCIL HAS TAKEN FINAL ACTION ON AN ORDINANCE INSTITUTING A TEMPORARY MORATORIUM

WHEREAS, there are numerous parcels within Council District 8, Land Lots 116, 117, 118, 138 and 139 of the 17th District, Fulton county Georgia on or near Northside Drive, East Conway Drive, Jett Road, Powers Ferry Road/Putnam Drive and Blackland Road, (the "Chastain Park Neighborhood") that are zoned R-3, a classification with minimum lot sizes of 18, 000 square feet; and


WHEREAS, the platting pattern and lots size of many of these parcels more closely resembles that of the R-2 or R-2A zoning classification which requires larger lot sizes such that subdivision of a single existing lot into two new R-3 lots is possible; and

WHEREAS, there is an increasing demand for new housing construction and development in the City of Atlanta; and

WHEREAS, the residents of the Chastain park neighborhoods have expressed concern over the effects of the subdivision of the existing large R-3 lots into smaller lots permitted by the R-3 zoning classification; and

WHEREAS, Ordinance No. 05-O-0847, Z-05-41 is pending in the City Council to re-zone a part of the Chastain Park Neighborhood from R-3 to R-2B; and

WHEREAS, it is in the best interest of the health safety and welfare of the citizens of the City of Atlanta that all reasonable efforts be made to encourage and support the preservation and development of single family neighborhoods; and



WHEREAS, it is consistent with the goals of the Comprehensive Development Plan that those be developed in a manner consistent with platting which prevails in the Chastain Park Neighborhood; and

WHEREAS, an ordinance placing controls on the acceptance of permits for the replatting or subdivisions of lots in the Chastain Park Neighborhood, has been or will be introduced at the July 18, 2005 meeting of the Atlanta City Council and prior to the time that final action of the July 18, 2005 City Council can be taken on said ordinance, there exists the strong possibility that applications would be filed with the Bureau of Planning circumventing the purposes of the interim controls; and

WHEREAS, during the period between the introduction of the ordinance and final action by the City Council, such applications would be analyzed under the current regulations of the City of Atlanta Zoning Ordinance unless an executive order is issued which directs the Bureau of Planning that no such applications can be accepted until the final action of the City Council on the ordinance imposing this moratorium; and

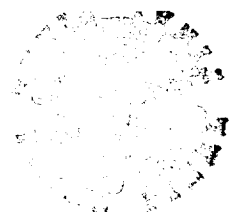
WHEREAS, pursuant to Section 2-182 of the Code of the City of Atlanta, the Mayor may issue executive orders which apply to events of short duration and which expire at the next meeting of City Council subsequent to its issuance unless ratified by a majority vote of the members present and voting; and

WHEREAS, there is an urgent need, substantially related to the public health, safety and welfare, that interim controls on the acceptance or permits for the replatting and subdivision in the Chastain Park Neighborhood be in place and that the purpose of the interim controls not be circumvented until such time as final action on the ordinance can be taken by the City Council; and

WHEREAS, this executive order will be for a brief and specific period of time which shall begin immediately and end at the next meeting of the City Council unless ratified by a majority of City Council and then it will end at the following meeting of City Council on August 15, 2005;

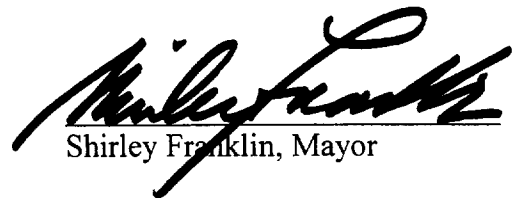
I, SHIRELY FRANKLIN, AS MAYOR OF THE CITY OF ATLANTA, NOW
HEREBY AUTHORIZE, ORDER AND DIRECT AS FOLLOWS:

As of today the Bureau of Planning is hereby authorized, ordered and directed to refuse to accept applications for the replatting or subdivisions of lots in the Chastain Park Neighborhood in District 8 as specified in the attached map.



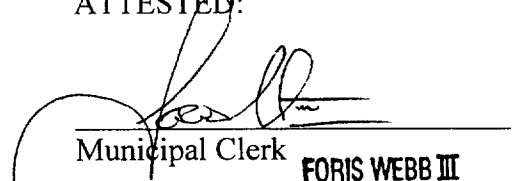
This order shall remain in effect until such time as the Atlanta City Council approves or adversely an ordinance instituting a temporary moratorium on the replatting or subdivisions of lots in the Chastain Park Neighborhood in District 8 as specified in the attached map, and the ordinance becomes effective, provided however; that such action by the City Council must take place at the meeting scheduled for August 15, 2005 or if such meeting is not held, at the next meeting held thereafter. In the event that the map attached to this order conflicts with the map attached to said ordinance, the map attached to this order shall control.

This 15 day of July, 2005

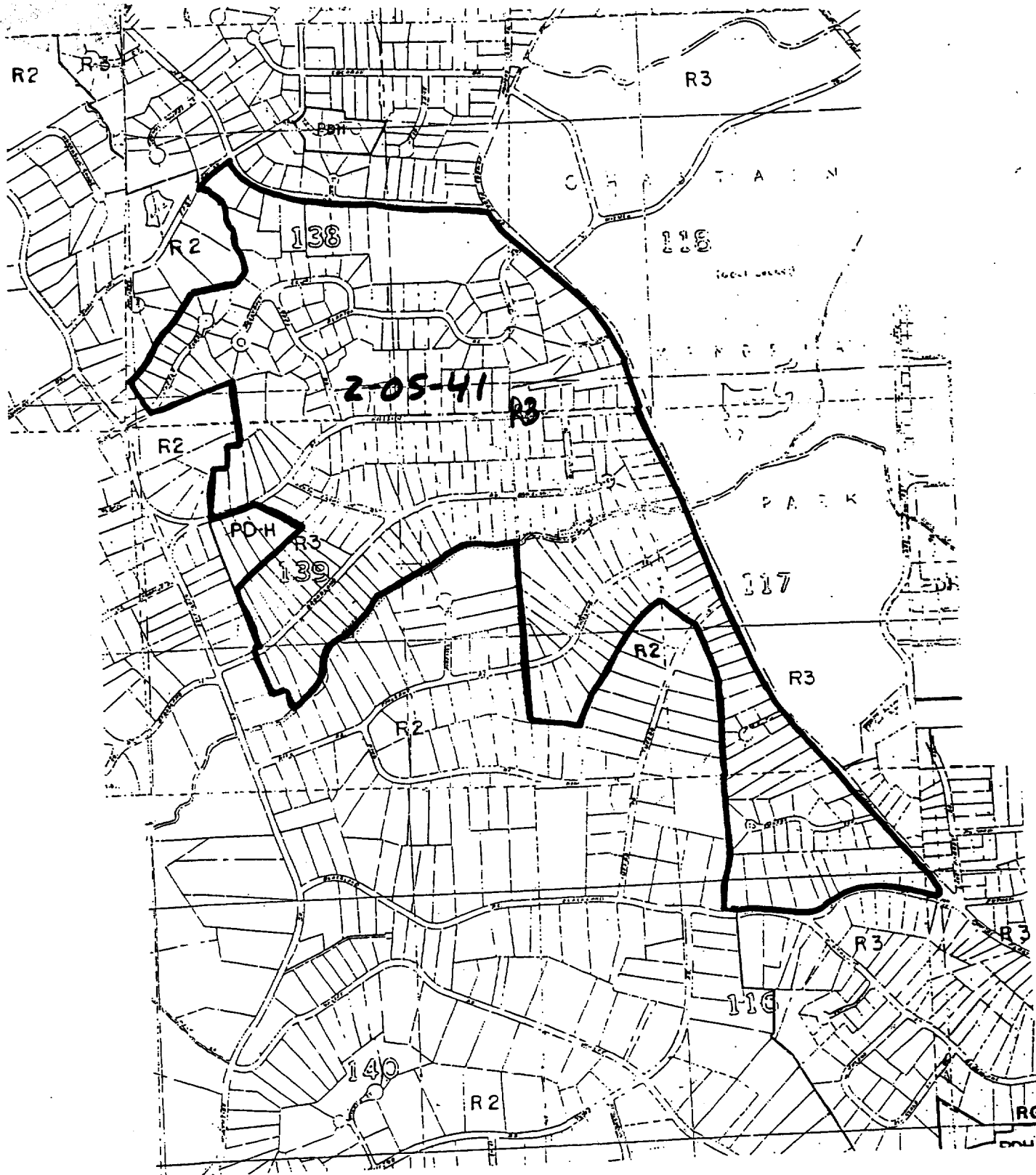


Shirley Franklin, Mayor

ATTESTED:



Municipal Clerk **FORIS WEBB III**
DEPUTY MUNICIPAL CLERK



RCS# 6874
7/18/05
6:57 PM

Atlanta City Council

Regular Session

PERSONAL

RATIFYING EXECUTIVE ORDER #2005-01 KEEP
EFFECTIVE UNTIL NEXT COUNCIL MEETING
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 0

E Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Sheperd	NV Borders

PERSONAL

#3

05-R-1412

(Do Not Write Above This Line)

A RESOLUTION
BY: CITY COUNCIL

A RESOLUTION RATIFYING
EXECUTIVE ORDER
NUMBER 2005-1 KEEPING IT
IN EFFECT UNTIL THE
NEXT MEETING OF CITY
COUNCIL

Linda DiSantis, City Attorney

ADOPTED ~~By~~ *Accepted by*
JUL 18 2005 *7/18/05* Council
COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER ~~ADOPTED~~

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading
Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

JUL 18 2005

RECEIVED
JUL 18 2005
Municipal Clerk

MAYOR'S ACTION
APPROVED
MAYOR